



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Ecology

A.O. 02-05

- ☒ Permanent Rule
☐ Emergency Rule
☐ Expedited Rule Making

(1) Date of adoption: 12/22/03

(2) Purpose: The purpose of this rule making is to incorporate new federal language, change existing definitions, provide alternative means of compliance, and make editorial changes.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 173-434 Solid Waste Incinerators

Suspended:

(4) Statutory authority for adoption: RCW 70.94.331 "Powers and Duties of the Department" and RCW 70.94.510 "Policy to cooperate with the federal government"

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-13-077 on JUNE 13 2003 and 03-16027 on July 29, 2003.

Describe any changes other than editing from proposed to adopted version: Explanation added to purpose section.

Cement-plant exemption altered in definition of "solid waste." Cement plant exemption from subpart Eb restored.

Trigger dates moved forward.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

☐ Yes ☒ No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- ☒ 31 days after filing
☐ Other (specify) *

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

- ☐ Immediately
☐ Later (specify) _____

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON

FILED

DEC 22, 2003

TIME 11:45 AM
WSR 04-01-159

Name (Type or Print)
Linda Hoffman

Signature

Linda Hoffman

Title
Interim Director

Date
12/22/03

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	<u>11</u>	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>13</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>13</u>	Repealed	_____